

EXHIBIT A

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 RICHARD KADREY, et al.,
16 Individual and Representative Plaintiffs,
17 v.
18 META PLATFORMS, INC., a Delaware
19 corporation;
20 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIRST SET OF REQUESTS FOR
PRODUCTION**

Trial Date: None
Date Action Filed: July 7, 2023

1 Meta objects to this Request to the extent that it implies that Meta is responsible for having
2 “assembl[ed]” the Gutenberg dataset.

3 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
4 needs of the case to the extent that it seeks “all” documents and communications concerning the
5 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
6 copyright infringement allegations and Meta’s defenses thereto.

7 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
8 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce, or, if
9 technically infeasible or impractical to produce, identify public sources of or permit inspection of
10 a copy of the “Gutenberg” dataset referenced in the paper “LLaMA: Open and Efficient Foundation
11 Language Models.” Meta will also conduct a reasonable search for and produce non-privileged,
12 relevant documents, if any, in its possession, custody, or control concerning the selection of said
13 dataset for use in training any Meta Language Models (as construed above). Following the
14 identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to
15 be used to search for email and electronic communications, and subject to the foregoing objections
16 as well as Meta’s objections to said custodians and search terms, Meta will also search for and
17 produce non-privileged, relevant communications responsive to this Request, if any, in accordance
18 with the limitations set forth in the ESI Order. Any such production shall be on a rolling basis, and
19 the timing of any such production shall be governed by terms of the Scheduling Order (ECF No.
20 87).

21 **REQUEST FOR PRODUCTION NO. 6:**

22 Documents and Communications to, from, or with Project Gutenberg Concerning Training
23 Data.

24 **RESPONSE TO REQUEST NO. 6:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
26 “Training Data” and “Communications.” Any electronic communications, including email and
27 documents attached thereto, must be requested pursuant to the ESI Order.

28

1 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
2 Communications to, from, or with” to the extent it is seeking materials other than those governed
3 by the procedure for requesting email and electronic communications under the ESI Order, and
4 Meta interprets the Request as seeking such email and electronic communications and Documents
5 attached thereto. This Request is also vague and ambiguous as to the term “Project Gutenberg,”
6 which is undefined. In the context of this Request, Meta will construe this phrase to mean the
7 organization referenced here: <https://www.gutenberg.org/>.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
9 needs of the case to the extent that it is interpreted to seek all documents and communications
10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
11 and disproportionate to the needs of the case to the extent it seeks documents and communications
12 in the possession, custody, or control of, and/or concerns a third-party.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
14 Protective Order and ESI Order, following the identification of appropriate search terms and
15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
16 communications, and subject to the foregoing objections as well as Meta’s objections to said
17 custodians and search terms, Meta will search for and produce non-privileged, relevant
18 communications responsive to this Request, if any, in accordance with the limitations set forth in
19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION NO. 7:**

22 Documents and Communications to, from, or with Library Genesis (aka LibGen)
23 Concerning Training Data.

24 **RESPONSE TO REQUEST NO. 7:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
26 “Training Data” and “Communications.” Any electronic communications, including email and
27 documents attached thereto, must be requested pursuant to the ESI Order.

28

1 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
2 Communications to, from, or with” to the extent it is seeking materials other than those governed
3 by the procedure for requesting email and electronic communications under the ESI Order, and
4 Meta interprets the Request as seeking such email and electronic communications and Documents
5 attached thereto. This Request is also vague and ambiguous as to the term “Library Genesis,”
6 which is undefined. In the context of this Request, Meta will construe this phrase to mean the
7 organization referenced here: <http://libgen.li/>.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
9 needs of the case to the extent that it is interpreted to seek all documents and communications
10 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
11 and disproportionate to the needs of the case to the extent it seeks documents and communications
12 in the possession, custody, or control of, and/or concerns a third-party.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
14 Protective Order and ESI Order, following the identification of appropriate search terms and
15 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
16 communications, and subject to the foregoing objections as well as Meta’s objections to said
17 custodians and search terms, Meta will search for and produce non-privileged, relevant
18 communications responsive to this Request, if any, in accordance with the limitations set forth in
19 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
20 production shall be governed by terms of the Scheduling Order (ECF No. 87).

21 **REQUEST FOR PRODUCTION NO. 8:**

22 Documents and Communications to, from, or with Z-Library (aka B-ok) Concerning
23 Training Data.

24 **RESPONSE TO REQUEST NO. 8:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
26 “Training Data” and “Communications.” Any electronic communications, including email and
27 documents attached thereto, must be requested pursuant to the ESI Order.

28

Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and Communications to, from, or with” to the extent it is seeking materials other than those governed by the procedure for requesting email and electronic communications under the ESI Order, and Meta interprets the Request as seeking such email and electronic communications and Documents attached thereto. This Request is also vague and ambiguous as to the term “Z-Library,” which is undefined. In the context of this Request, Meta will construe this phrase to mean the organization referenced here: <https://z-lib.io/>.

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it is interpreted to seek all documents and communications concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent it seeks documents and communications in the possession, custody, or control of, and/or concerns a third-party.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, following the identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic communications, and subject to the foregoing objections as well as Meta’s objections to said custodians and search terms, Meta will search for and produce non-privileged, relevant communications responsive to this Request, if any, in accordance with the limitations set forth in the ESI Order. Any such production shall be on a rolling basis, and the timing of any such production shall be governed by terms of the Scheduling Order (ECF No. 87).

REQUEST FOR PRODUCTION NO. 9:

Documents and Communications to, from, or with Sci-Hub Concerning Training Data.

RESPONSE TO REQUEST NO. 9:

Meta incorporates by reference its objections and definitions above, including to the terms “Training Data” and “Communications.” Any electronic communications, including email and documents attached thereto, must be requested pursuant to the ESI Order.

Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and Communications to, from, or with” to the extent it is seeking materials other than those governed

1 by the procedure for requesting email and electronic communications under the ESI Order, and
2 Meta interprets the Request as seeking such email and electronic communications and Documents
3 attached thereto. This Request is also vague and ambiguous as to the term “Sci-Hub,” which is
4 undefined. In the context of this Request, Meta will construe this phrase to mean the organization
5 referenced here: <https://sci-hub.se/database>.

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
7 needs of the case to the extent that it is interpreted to seek all documents and communications
8 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
9 and disproportionate to the needs of the case to the extent it seeks documents and communications
10 in the possession, custody, or control of, and/or concerns a third-party.

11 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
12 Protective Order and ESI Order, following the identification of appropriate search terms and
13 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
14 communications, and subject to the foregoing objections as well as Meta’s objections to said
15 custodians and search terms, Meta will search for and produce non-privileged, relevant
16 communications responsive to this Request, if any, in accordance with the limitations set forth in
17 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
18 production shall be governed by terms of the Scheduling Order (ECF No. 87).

19 **REQUEST FOR PRODUCTION NO. 10:**

20 Documents and Communications to, from, or with Bibliotik Concerning Training Data.

21 **RESPONSE TO REQUEST NO. 10:**

22 Meta incorporates by reference its objections and definitions above, including to the terms
23 “Training Data” and “Communications.” Any electronic communications, including email and
24 documents attached thereto, must be requested pursuant to the ESI Order.

25 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
26 Communications to, from, or with” to the extent it is seeking materials other than those governed
27 by the procedure for requesting email and electronic communications under the ESI Order, and
28 Meta interprets the Request as seeking such email and electronic communications and Documents

1 attached thereto. This Request is also vague and ambiguous as to the term “Bibliotik,” which is
2 undefined. Furthermore, the Request is vague, ambiguous, and unintelligible as to “Documents
3 and Communications to, from, or with Bibliotik,” which Meta understands to be the name of a
4 dataset rather than an individual, group, business, or organization.

5 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
6 needs of the case to the extent that it is interpreted to seek all documents and communications
7 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
8 and disproportionate to the needs of the case to the extent it seeks documents and communications
9 in the possession, custody, or control of, and/or concerns what Plaintiffs appear to believe is third-
10 party.

11 **REQUEST FOR PRODUCTION NO. 11:**

12 Documents and Communications to, from, or with The Eye Concerning Training Data.

13 **RESPONSE TO REQUEST NO. 11:**

14 Meta incorporates by reference its objections and definitions above, including to the terms
15 “Training Data” and “Communications.” Any electronic communications, including email and
16 documents attached thereto, must be requested pursuant to the ESI Order.

17 Meta objects to this Request as vague, ambiguous, and unintelligible as to “Documents and
18 Communications to, from, or with” to the extent it is seeking materials other than those governed
19 by the procedure for requesting email and electronic communications under the ESI Order, and
20 Meta interprets the Request as seeking such email and electronic communications and Documents
21 attached thereto. This Request is also vague and ambiguous as to the term “The Eye,” which is
22 undefined. In the context of this Request, Meta will construe this phrase to mean the organization
23 referenced here: <https://the-eye.eu/>.

24 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
25 needs of the case to the extent that it is interpreted to seek all documents and communications
26 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
27 and disproportionate to the needs of the case to the extent it seeks documents and communications
28 in the possession, custody, or control of, and/or concerns a third-party.

1 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
2 Protective Order and ESI Order, following the identification of appropriate search terms and
3 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
4 communications, and subject to the foregoing objections as well as Meta's objections to said
5 custodians and search terms, Meta will search for and produce non-privileged, relevant
6 communications responsive to this Request, if any, in accordance with the limitations set forth in
7 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
8 production shall be governed by terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 12:**

10 Documents and Communications to, from, or with Anna's Archive Concerning Training
11 Data.

12 **RESPONSE TO REQUEST NO. 12:**

13 Meta incorporates by reference its objections and definitions above, including to the terms
14 "Training Data" and "Communications." Any electronic communications, including email and
15 documents attached thereto, must be requested pursuant to the ESI Order.

16 Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and
17 Communications to, from, or with" to the extent it is seeking materials other than those governed
18 by the procedure for requesting email and electronic communications under the ESI Order, and
19 Meta interprets the Request as seeking such email and electronic communications and Documents
20 attached thereto. This Request is also vague and ambiguous as to the term "Anna's Archive," which
21 is undefined. In the context of this Request, Meta will construe this phrase to mean the organization
22 referenced here: <https://annas-archive.org/>.

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
24 needs of the case to the extent that it is interpreted to seek all documents and communications
25 concerning the subject matter of the Request. This Request is also overbroad, unduly burdensome,
26 and disproportionate to the needs of the case to the extent it seeks documents and communications
27 in the possession, custody, or control of, and/or concerns a third-party.
28

1 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
2 Protective Order and ESI Order, following the identification of appropriate search terms and
3 custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and electronic
4 communications, and subject to the foregoing objections as well as Meta's objections to said
5 custodians and search terms, Meta will search for and produce non-privileged, relevant
6 communications responsive to this Request, if any, in accordance with the limitations set forth in
7 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
8 production shall be governed by terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 13:**

10 Documents and Communications to, from, or with Hugo Touvron Concerning Training
11 Data.

12 **RESPONSE TO REQUEST NO. 13:**

13 Meta incorporates by reference its objections and definitions above, including to the terms
14 "Training Data" and "Communications." Any electronic communications, including email and
15 documents attached thereto, must be requested pursuant to the ESI Order.

16 Meta objects to this Request as vague, ambiguous, and unintelligible as to "Documents and
17 Communications to, from, or with" to the extent it is seeking materials other than those governed
18 by the procedure for requesting email and electronic communications under the ESI Order, and
19 Meta interprets the Request as seeking such email and electronic communications and Documents
20 attached thereto.

21 Meta objects to this Request because, on its face, it does not exclude documents and
22 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
23 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
24 documents will not be produced.

25 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
26 needs of the case to the extent that it is interpreted to seek all documents and communications
27 concerning the subject matter of the Request, including documents with limited, if any, relevance
28 to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 RICHARD KADREY, *et al.*,
20 Individual and Representative
21 Plaintiffs,
22
23 v.
24 META PLATFORMS, INC., a Delaware
corporation;
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FIFTH SET OF REQUESTS FOR
PRODUCTION**

1 Meta objects to this Request to the extent it seeks information that is not relevant to any
2 party's claims or defenses.

3 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
4 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
5 privileged, responsive documents in its possession, custody, or control, if any, concerning Hugging
6 Face's involvement, if any, in the dissemination of Books3.

7 **REQUEST FOR PRODUCTION NO. 85:**

8 All Documents and Communications related to the decision to use Torrent Systems to
9 acquire data for training Llama Models.

10 **RESPONSE TO REQUEST NO. 85:**

11 Meta incorporates by reference its objections and definitions above. Any electronic
12 communications, including emails and documents attached thereto, will only be produced pursuant
13 to and in accordance with the ESI Order.

14 Meta objects to this Request because, on its face, it does not exclude documents and
15 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
16 opinions, which are subject to attorney-client privilege and/or attorney work product
17 doctrine. Such documents will not be produced.

18 Meta objects to this Request as vague and ambiguous as to the terms "decision to use" and
19 "acquire data." Meta construes this Request as seeking documents related to any decision by Meta
20 to use data accessed through Torrent Systems (as construed above) for training Llama Models (as
21 construed above).

22 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
23 needs of the case to the extent that it seeks all documents and communications concerning the
24 subject matter of the Request, including documents and communications with limited, if any,
25 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

26 Meta objects to this Request to the extent it seeks information that is not relevant to any
27 party's claims or defenses.

28 Subject to and without waiving the foregoing objections, and pursuant to the terms of the

1 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
2 privileged, responsive documents in its possession, custody, or control, if any, concerning any
3 decision by Meta to use Torrent Systems (as construed above) to acquire data for training the Llama
4 Models (as construed above).

5 **REQUEST FOR PRODUCTION NO. 86:**

6 All Documents and Communications related to the decision to use books for long-range
7 context modeling research.

8 **RESPONSE TO REQUEST NO. 86:**

9 Meta incorporates by reference its objections and definitions above. Any electronic
10 communications, including emails and documents attached thereto, will only be produced pursuant
11 to and in accordance with the ESI Order.

12 Meta objects to this Request because, on its face, it does not exclude documents and
13 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
14 opinions, which are subject to attorney-client privilege and/or attorney work product
15 doctrine. Such documents will not be produced.

16 Meta objects to this Request on the ground that it assumes that Meta used books for long-
17 range context research.

18 Meta objects to this Request as vague and ambiguous as to the terms "decision," which is
19 non-specific as to the purported decisionmaker at issue, and "use of books," which is not limited in
20 time or scope or to particular LLMs. Meta construes this Request as seeking documents concerning
21 Meta's decision, if any, to use books as training data for long-range context research related to the
22 Llama Models (as construed above).

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
24 needs of the case to the extent that it seeks all documents and communications concerning the
25 subject matter of the Request, including documents and communications with limited, if any,
26 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

27 Meta objects to this Request to the extent it seeks information that is not relevant to any
28 party's claims or defenses.

Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted material,” as the Request does not identify any and Meta is not in a position to know whether any particular work is subject to copyright protection. Meta construes this Request as seeking documents concerning Meta’s training data memorization mitigations for the Llama Models (as construed above).

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks all documents and communications, including source code, concerning the subject matter of the Request, including documents and communications with limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

Meta objects to this Request to the extent it seeks information that is not relevant to any party’s claims or defenses.

Meta objects to this Request as duplicative of other Requests, including Request No. 116.

Meta objects to this Request to the extent that Meta has already searched for and produced documents responsive to this Request, which overlaps with prior Requests.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-privileged, responsive documents in its possession, custody, or control, if any, sufficient to show Meta’s training data memorization mitigations for the Llama Models (as construed above).

REQUEST FOR PRODUCTION NO. 119:

All Documents and Communications, including source code, relating to the processing of copyrighted material used in training Llama Models, including storage and deletion of copyrighted material.

RESPONSE TO REQUEST NO. 119:

Meta incorporates by reference its objections and definitions above. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

Meta objects to this Request because, on its face, it does not exclude documents and

1 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
2 opinions, which are subject to attorney-client privilege and/or attorney work product
3 doctrine. Such documents will not be produced.

4 Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted
5 material,” as the Request does not identify any and Meta is not in a position to know whether any
6 particular training data is protected by copyright. Meta also objects to this Request on the ground
7 that it presupposes that there are documents related to the processing, storage, and deletion of
8 copyrighted material separate and apart from other training data.

9 Meta objects to this Request as duplicative of other Requests.

10 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
11 needs of the case to the extent that it seeks all documents and communications concerning the
12 subject matter of the Request, including documents and communications, including source code,
13 with limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses
14 thereto.

15 Meta objects to this Request to the extent it seeks information that is not relevant to any
16 party’s claims or defenses.

17 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116
18 and 118.

19 Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of
20 this Request.

21 **REQUEST FOR PRODUCTION NO. 120:**

22 All Documents and Communications, including source code, relating to actual or
23 contemplated source code changes within Llama Models, including source code “commits” and
24 “pull requests.”

25 **RESPONSE TO REQUEST NO. 120:**

26 Meta incorporates by reference its objections and definitions above. Any electronic
27 communications, including emails and documents attached thereto, will only be produced pursuant
28 to and in accordance with the ESI Order.